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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,206	04/24/2001	Jean-Pierre Le Gall	032326-135	3010

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EXAMINER	
SHIFERAW, ELENI A	

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/830,206	LE GALL ET AL.	
	Examiner	Art Unit	
	Eleni A Shiferaw	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *4/24/2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/24/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-9 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, and 6-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin et al. (Austin, U.S. Patent No. 6,393,270 B1) in view of Ramasubramani et al. (Ramasubramani, U.S. Patent No. 6,233,577 B1).

3.1 As per claim 1, Austin teaches a risk management system in a communication network of a type which includes a message service (Austin Col. 7 lines 13-25) and communication devices each having an electronic chip card capable of calculating a cryptographic authentication from a value supplied by the network (Austin Col. 1 lines 38-57), comprising:

means in said chip cards for selectively enabling the cryptographic calculation (Austin Col. 1 lines 38-57) and its transmission to the network when certain conditions are fulfilled (Austin Col. 1 lines 38-57), and for transmitting to the network a message requesting evaluation of risk when other conditions are fulfilled (Austin Col. 6 lines 62-col. 7 lines 12), and

means in said network for evaluating said risk according to the information

contained in the risk evaluation request message (Austin col. 6 lines 8-26) and parameters specific to the user of the communication devices (Austin col. 7 lines 1-12), and for sending a message to said enabling means in the electronic chip card for enabling or inhibiting the calculation (Austin col. 6 lines 8-26) and transmission of the cryptographic certificate.

Austin does not explicitly teach transmission of certificate.

However Ramasubramani teaches calculating cryptographic certificate and transmission of the cryptographic certificate (Ramasubramani col. 6 lines 40-col. 7 lines 33, Fig. 3)

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Ramasubramani with in the system of Austin because it would allow to establish a secure connection between two parties over an open data network (Ramasubramani Col. 3 lines47-59) by comprising information of expiration date, the name of the certifying authority that issued the certificate, a serial number, and a public key and a name. Digital certificates also contains digital signature to verify the contents to the certificate.

3.2 As per claim 6, Austin teaches a method for managing authenticating users (Austin Col. 2 lines 26-36) and managing risks in communication network of a type having a message service (Austin Col. 7 lines 1-25) and communication devices with electronic chip cards that authenticate said devices to the network (Austin Col. 1 lines 38-57), comprising the following steps performed in the chip card:

(a) checking whether the electronic chip card is in an inhibited state in order to determine whether to refuse an authentication request (Austin col. 6 lines 1-26);

(b) in the case of authorization of the authentication request, counting the number (N) of requests for authentication of the electronic chip card (Austin col. 6 lines 51-67),

(c) comparing the number (N) of authentication requests with a first threshold T0 (Austin col. 7 lines 1-12),

(d) performing an algorithm to authenticate and sets N to CSC_Count, if CSC_Count is less than zero (threshold) the unit sends a message transmitting it to the network (Austin col. 7 lines 1-13) that reads on calculating a cryptographic algorithm if $N < T0$ and transmitting it to the network,

(e) comparing the number N with a second threshold T1 if $N > T0$ (Austin col. 7 lines 1-13),

(f) putting the electronic chip card in the inhibited state if $N > T1$ (Austin col. 7 lines 1-13), and

(g) calculating a cryptographic algorithm and producing a risk assessment request message, and transmitting message to the network if $T0 < N < T1$ (Austin col. 7 lines 1-12).

Austin does not explicitly teach (d) calculating a cryptographic certificate.

However Ramasubramani teaches calculating a cryptographic certificate (Ramasubramani col. 6 lines 40-col. 7 lines 33, Fig. 3)

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Ramasubramani with in the system of Austin because it would allow to establish a secure connection between two parties over an open data network (Ramasubramani Col. 3 lines47-59) by comprising information of expiration date, the name of the certifying authority that issued the certificate, a serial number, and a public key and a name. Digital certificates also contains digital signature to verify the contents to the certificate.

Austin and Ramasubramani do not explicitly teach

(e) comparing the number N with a second threshold T1 if N =T0

(f) putting the electronic chip card in the inhibited state if N = T1, and

However Austin calculates a cryptographic algorithm to authenticate a cellular service provider and compares the first and the second authentication value and transmits messages (Austin Col. 7 lines 1-25)

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made have a comparison when N=T0 or N=T1 that reads on (e) comparing the number N with a second threshold T1 if N >= T0

(f) putting the electronic chip card in the inhibited state if N >= T1, and

(g) calculating a certificate, and transmitting said certificate and messageto the network if T0 < N <=T1 because it would compare authentication request threshold.

3.3 As per claim 2, Austin teaches a risk management system according to Claim 1, wherein said electronic chip card, executes the following steps:

(a) checking whether the electronic chip card is in an inhibited state in order to determine whether to refuse an authentication request (Austin col. 6 lines 1-26);

(b) in the case of authorization of the authentication request, counting the number (N) of requests for authentication of the electronic chip card (Austin col. 6 lines 51-67),

(c) comparing the number (N) of authentication requests with a first threshold T0 (Austin col. 7 lines 1-12),

(d) performing an algorithm to authenticate and sets N to CSC_Count, if CSC_Count is less than zero (threshold) the unit sends a message transmitting it to the network (Austin col. 7 lines 1-13) that reads on calculating a cryptographic algorithm if N < T0 and transmitting it to the network,

(e) comparing the number N with a second threshold T1 if N > T0 (Austin col. 7 lines 1-13) and,

(f) putting the electronic chip card in the inhibited state if N > T1 (Austin Col. 7 lines 1-13), and

(g) calculating a cryptographic algorithm and producing a risk assessment request message, and transmitting message to the network if T0 < N <T 1 (Austin col. 7 lines 1-12).

Austin does not explicitly teach (d) calculating a cryptographic certificate.

However Ramasubramani teaches calculating a cryptographic certificate (Ramasubramani col. 6 lines 40-col. 7 lines 33, Fig. 3)

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Ramasubramani with in the system of Austin because it would allow to establish a secure connection between two parties over an open data network (Ramasubramani Col. 3 lines47-59) by comprising information of expiration date, the name of the certifying authority that issued the certificate, a serial number, and a public key and a name. Digital certificates also contains digital signature to verify the contents to the certificate.

Austin and Ramasubramani do not explicitly teach

(e) comparing the number N with a second threshold T1 if N =T0

(f) putting the electronic chip card in the inhibited state if N = T1, and

However Austin calculates a cryptographic algorithm to authenticate a cellular service provider and compares the first and the second authentication value and transmits messages when CSC_Count is greater than threshold and when CSC_Count is not greater than threshold (Austin Col. 7 lines 1-25)

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a comparison when N=T0 or N=T1 that reads on

(e) comparing the number N with a second threshold T1 if N >= T0

(f) putting the electronic chip card in the inhibited state if N >= T1, and

(g) calculating a certificate, and transmitting said certificate and message to the network if T0 < N <=T1 because it would compare authentication request threshold.

3.4 As per claim 3 and 7, Austin teaches a system (method) according to Claim 2, wherein the network executes the following steps:

(h) analyzing the risk assessment request transmitted by the electronic chip card (Austin Col. 6 lines 63-67),

(i) assessing the risk according to the results of the analysis according to the previous step (Austin col. 7 lines 1-12),

(h) and parameters specific to the user of the communication device (Austin Col. 7 lines 13-25), and

(j) producing a response message and transmitting it to the electronic chip card (Austin Col. 7 lines 1-12).

4. Claims 4-5, and 8-9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin et al. (Austin, U.S. Patent No. 6,393,270 B1) in view of Ramasubramani et al. (Ramasubramani, U.S. Patent No. 6,233,577 B1), and in further view of Martineau (U.S. Patent Number 5,915,226).

4.1 As per claim 4, and 8, Austin and Ramasubramani teach all the subject matter as described above.

Austin and Ramasubramani do not explicitly teach wherein the number N, T0 and T1 are monetary values,

However Martineau teaches a system (method), wherein the numbers N, T0 and T1 are monetary values corresponding respectively to a totalling of the expenditure made in communications sessions, a first authorized expenditure threshold and a second

threshold beyond which the expenditure is no longer authorized (Martineau Col. 6 lines 39-col. 7 lines 5).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Martineau with in the combination system of Austin and Ramasubramani because it would allow to benefit a user from a wireless service without passing the credit check by using the additional card (Martineau Col. 3 lines 44-54). It would also provide the network operator with a secure financial position.

4.2 As per claim 5 and 9, Austin and Ramasubramani teach all the subject matter as described above.

Austin and Ramasubramani do not explicitly teach wherein the number N, T0 and T1 are monetary values,

However Martineau teaches a system (method), wherein the numbers N, T0 and T1 are monetary values corresponding respectively to a totalling of the expenditure made in communications sessions, a first authorized expenditure threshold and a second threshold beyond which the expenditure is no longer authorized (Martineau Col. 6 lines 39-col. 7 lines 5).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Martineau with in the combination system of Austin and Ramasubramani because it would allow to provide a modified prepaid secure smart card which in normal use in a network allows the transfer

of goods/services to a user of the card from a network operator by subtracting prepaid units of value stored in said card in exchange for the goods/services (Col. 4 lines 17-38).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A Shiferaw whose telephone number is 703-305-0326. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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